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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,472	02/15/2002	Enichiro Oshimo	00-2134	1758

7590 11/25/2003
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EXAMINER

LUM, LEE S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/076,472

Applicant(s)

OSHIMO, ENICHIRO

Examiner

Lee Lum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-14,16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 5-14 is/are allowed.
- 6) ☒ Claim(s) 16,17,21,22 is/are rejected.
- 7) ☒ Claim(s) 18-20,23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. An Amendment was filed 10/8/03 in which Claims 2-4 and 15 were cancelled, and Claims 16-24 added.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Drake 5941547.

Drake discloses a wheelchair apparatus 10 for permitting a user to propel his/herself through arm movement, comprising

Chair (unidentified) having

seat and frame portion (both inherent),

at least one drive wheel 16,

at least one support wheel (unidentified, smaller wheel towards front),

at least one lever assembly 11 coupled to the drive wheel and chair,

for rotating the drive wheel,

the lever assembly having

lever 11 pivotally coupled to the frame portion,

cable 18 coupled between the lever and drive wheel, the cable rotating the drive wheel, and,

gearing coupler/assembly 19 coupled to the cable, and being slidably coupled (fig 2, and col 4, lines 11-13) to the lever such that it changes the length through which the cable is drawn,

the gearing coupler/assembly having sleeve 19 with aperture 28, the lever extending through the aperture (figs 2/3).

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3. ALLOWABLE SUBJECT MATTER

- a. **Claims 18-20, 23 and 24** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and upon resolution of any objections.
- b. **Claims 1 and 5-14 are allowable.**

Prior art does not disclose a wheelchair apparatus for propelling the user through arm movement comprising, *inter alia*, a lever, a clutch bias coupled to the clutch, the bias being tensed/recoiling from being tensed when the lever is used, a gearing assembly with motor and processing assembly.

4. RESPONSE TO REMARKS

Examiner provides new rejections for some claims, contrary to previously-noted allowable subject matter; she apologizes for the inconvenience. However, Applicant is asked to note remaining allowable claims.

5. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, M-F, 9-6. Our fax number is (703) 872-9306. Any inquiry of a general nature, or relating to the status of this application/proceeding, should be directed to Customer Assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
11/25/03

